

**MINUTES OF THE REGULAR MEETING OF THE  
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA  
FEBRUARY 22, 2012**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, February 22, 2012, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

**Call to Order.** Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

**Roll Call.**

Clerk-Treasurer Juanita S. Boehm called the roll.

Mayor Terry Seitz	Present
Council members:	
Gregory Schnarr	Present
David Prechtel	Absent
Thomas Schmidt	Present
Earl Schmitt	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney William Shaneyfelt	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. Six of the seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

**Approval of the Minutes.** Minutes from the January 18, 2012 meeting were distributed to and examined by the Council. Thereafter a motion was made by Council member Raymond Howard and seconded by Council member Gregory Schnarr to accept the minutes as published. Motion carried 6-0.

**Subdivision Control Ordinance amendment/Ordinance No. 2012-1.** Mayor Seitz said the Council needs to consider the City of Jasper's proposal to amend a portion of its subdivision control ordinance that changes the bonding requirements for plats. The options are to: [1]accept the proposal, [2]reject the proposal, [3]amend the proposal, or [4]not act on the proposal.

City Attorney William Shaneyfelt said according to Indiana code when considering the proposal the legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;

- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth

A **motion** was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to accept the proposal as certified by the Plan Commission and amend the text and thereby adopt Ordinance No. 2012-1. Motion carried 6-0.

**REZONE/Ordinance No. 2012-2.** Mayor Seitz said the Council needs to consider the proposal from Jasper Properties LLC to rezone property located east of Taco Bell, north of 3515 Villa Drive, west of Villa Drive and south of 36<sup>th</sup> Street from B-1 Business District and R-2 Residential to R-4 Residential.

Thereafter, a **motion** was made by Council member Raymond Howard and seconded by Council member Thomas Schmidt to accept the proposal to rezone the property and adopt the rezoning ordinance for such property and reference it Ordinance No. 2012-2. Motion carried 6-0.

**Utility Service Board.** General Manager of Utilities Gerald ‘Bud’ Hauersperger gave a report of the regular monthly Utility Service Board meeting held on February 20, 2012. Copies of the minutes are supplied to each council member.

**Conflict of Interest Disclosure Statement.** Mayor Seitz presented a conflict of interest disclosure statement that was submitted by Kit Miracle. Miracle is the Arts Director and sells post cards to the City that she makes through her business K. G. Miracle-Artworks.

A **motion** was made by Council member Randy Buchta and seconded by Council member Kevin Manley to accept the conflict of interest disclosure statement that was submitted by Kit Miracle. Motion carried 6-0.

**Conflict of Interest Disclosure Statement.** Mayor Seitz presented a conflict of interest disclosure statement that was submitted by Kara Bodle. Bodle is a member of the Jasper Community Arts Commission and plans to teach a class at the Arts Center.

A **motion** was made by Council member Raymond Howard and seconded by Council member Thomas Schmidt to accept the conflict of interest disclosure statement that was submitted by Kara Bodle. Motion carried 6-0.

**Legal services report.** Mayor Seitz said from January 1, 2012 to March 31, 2012 the City contracted the law firm of Shaneyfelt and Bohnenkemper for \$120 per hour. He said previously he gave each council member a detailed invoice for the firm’s January services. It exceeded \$14,000 but the firm is only going to charge \$14,000. To move forward the proposed contract says not-to-exceed \$14,000 per month with \$12,000 due for services for the month and \$2,000 per month retained as a deferred payment so the \$30,000 appropriated for contractual services could be used for outside counsel if necessary. If outside counsel is not needed then the retained amount is paid to the firm by the end of the year.

Council member Kevin Manley said he did some investigation regarding a full time attorney. He said about ten years ago the City had two attorneys and employees were not happy with the response time. He feels very strongly that one attorney in city hall would be more efficient because that person would be accessible, a member of the team and as a Council member I could go in the attorney's office and ask questions because the attorney was available. A full time attorney can be a great sounding board. The proposed contract says \$120 per hour. A full time attorney costs about \$60 per hour and that got us more than 40 hours per week. Manley then said we did not spend everything in the 2011 budget. Just because it is budgeted in 2012 does not mean we should spend everything like it is being proposed in the contract. Manley said he will not be satisfied until we advertise for a full time attorney and see if anyone would be interested and be good for the City.

Council member Randy Buchta said he agrees with Manley 100%. The eight years he has been on the Council he could talk to the attorney on the spot. When talking with the public they say they desire a full time attorney. He recommended the City advertise for a full time attorney as soon as possible and give the personnel director the authority to seek applicants. Buchta said he feels the department heads would be more comfortable with a full time attorney.

Council member Raymond Howard said he agrees with Manley and Buchta and pursuing a full time attorney is something we should investigate.

Council member Thomas Schmidt asked Shaneyfelt if he considered being the full time attorney. Shaneyfelt said Mayor Seitz asked me but I declined. Also, when determining a not-to-exceed amount, the intent was for the legal fees to fit into the budget and to provide legal services. Shaneyfelt also said if there is a contractual arrangement both parties would have an opportunity to get out of the contract.

Council member Gregory Schnarr said he does not disagree with Kevin, Randy, and Ray. Shaneyfelt is very competent and both have experience but the public is concerned about the dollar amount. The dollars are budgeted but the concern is not to spend it all. In reference to expertise Shaneyfelt and Bohnenkemper are more than capable. There can be growing pains with full time vs. contracted attorney. Schnarr said he would like to see if someone is interested in the full time attorney position.

City Attorney William Shaneyfelt said he appreciated Schnarr's kind remarks. He said he is comfortable with either decision regarding the city attorney position. He then said they need to understand that it is full time service with both contracted attorneys. It's not full time vs. part time; it is full time vs. full time with contractual terms. Their office is not upstairs in city hall. If accessible is physical accessibility then we cannot provide that but we can provide legal services. It's about prioritizing. With the fee they proposed, Shaneyfelt said they tried to stay within the budget. He said he thinks the \$60 per hour for a full time attorney is understated because it was based on 40 hours per week. If one factors in such hours as vacation and sick hours, then \$70 per hour would be a more

effective hourly rate plus the City would have to hire a support person. Their rate includes secretarial work plus a full time attorney would not have the municipal law experience that we have.

Mayor Seitz said the first six weeks of the three-month contract with Shaneyfelt and Bohnenkemper have been very good. They made an extraordinary transition. He said he has concerns about being able to hire someone with experience and their wanting help or support staff.

Shaneyfelt said the advantage of having two attorneys is if one is sick or out of the office for seminars or continuing education there is a backup which improves accessibility. We also bounce things off each other.

A **motion** was made by Council member Randy Buchta and seconded by Council member Raymond Howard to give the personnel/safety director the authority to search and advertise for a full time attorney. Motion carried 6-0.

Under discussion Mayor Seitz asked if he is restricted to the budget. Council member Randy Buchta said the offering should be based on the level of experience. He suggested posting the job opening on the internet and in the paper. Council member Gregory Schnarr asked if there is a written job description. Personnel/Safety Director Charles Schneider said yes. Mayor Seitz asked the council to review the job description.

[Note: After the meeting it was determined after reviewing personnel records that the past full-time city attorney was directly appointed by the Mayor as per Indiana Code 36-4-9-2 and the duties were not governed under a written job description.]

**Vacation schedule.** Mayor Seitz asked the Council to consider revising the vacation schedule for department heads because the current schedule is a severe restriction when hiring. He recommended ten vacation days for the first year after the 90-day introductory period. He also recommended making the change retroactive to January 1, 2012 to include the new building commissioner and the new police chief.

Council member Kevin Manley asked if it is okay to change the vacation days from five days to ten days for department heads only. The response was yes.

Personnel/Safety Director Charles Schneider said five vacation days has been a struggle for certain employees. He also said if the change is made it should be for all employees. The main concern when a study was done by IU was that employees felt they were not being treated equally.

Manley asked Schneider to check what other cities and companies do.

Council member Thomas Schmidt said down the road the City needs to look at all new hires.

Thereafter, a **motion** was made by Council member Randy Buchta and seconded by Council member Earl Schmitt to draft an ordinance to revise vacation time for department heads from five days to ten days upon hire retroactive to January 1, 2012. Motion carried 6-0.

**ORDINANCE NO. 2012-3 AN ORDINANCE AMENDING THE FEE SCHEDULE FOR ACTIVITIES RELATED TO AND USE OF THE TRAIN**

This ordinance increases the train excursion fees effective January 1, 2012.

A motion was made by Council member Thomas Schmidt and seconded by Council member Gregory Schnarr to consider the ordinance for one reading only. Motion carried 6-0. Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member Kevin Manley to have the ordinance read by title only. Motion carried 6-0. City Attorney William Shaneyfelt so read the ordinance. Shaneyfelt then reviewed the fee increases. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Raymond Howard to pass and adopt Ordinance No. 2012-3. Motion carried 6-0.

**Leadership training program presentation.** Mayor Seitz said he believes there is a need to change and we should plan where we want to go in the future. He looked at a phased leadership program and thanked the private businesses that funded phase I. He then introduced Mike Evans with CHORUS, a company that provides leadership training.

Evans gave an overview of the company and went over the program process. The cost for phase II is \$17,870 and the cost for phase III is \$34,650.

Council member Kevin Manley questioned what is the return on the investment and how do you quantify spending that sum of money. One cannot force one to change so why not give a person the choice whether or not they want to participate. Evans said he thinks it will be an energizing experience. Manley asked Evans if they conducted the program for any municipalities so we could contact them. Evans said they have not done any cities; this would be the first one. Manley said the city has limited revenue. We cut \$985,000 of needs out of the 2012 budget. He believes in what was presented but struggles with is it nice to have or is it a need. In the 5 ½ years that he has served on the council he has received only one set of complaints from the public. The council and departments have been fiscally responsible. Evans said the schools are finding how to do more with less. He thinks strategically we can do more with less and still be effective as possible.

Council member Raymond Howard said the comments from people have been, is it a want or a need or if it's not broke then why fix it. It may be \$50,000 but we will have to take it out of someone's budget. He said he has a hard time justifying spending that kind of money and questioned if it has been determined the training is needed. Evans said it includes personal development whereby one benefits personally and in the community.

Mayor Seitz said we have a chance to invest in people and become better leaders. He chose his appointees because they could become better. We must be cautious and not live in a silo. Phase I was privately funded and this is an extension of phase I. He said in the EDIT Fund there is a \$100,000 equipment appropriation for technology upgrade. The council could reappropriate some of that money for sixty per cent of the costs for this training. Based on the number of people from certain departments that would take the training, he recommended the civil city pay sixty percent of the \$52,520 and the utilities pay forty percent of the costs.

**JCAC.** Jasper Community Arts Commission member Linda Kahle attended the meeting on behalf of the Board. She said their open house was very successful. She named some upcoming events and invited everyone to come to the annual chalk walk.

**ADJOURNMENT.** There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member Randy Buchta to adjourn the meeting. The motion carried 6-0 and the meeting adjourned at 9:40 p.m.

The minutes were hereby approved \_\_\_\_ with X without corrections or clarification this 21<sup>st</sup> day of March, 2012.

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**Mayor Terry Seitz**  
**Presiding Officer**

**Attest:**

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**Juanita S. Boehm, Clerk-Treasurer**